

Express Mail EE903744458  
April 6, 2000

Docket No. KM-M1

DECLARATION, POWER OF ATTORNEY AND PETITION

I, KEVIN A. MANSMANN, hereby state that I am a citizen of the United States of America and a resident of Paoli, Pennsylvania; that I verily believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention or discovery entitled SEMI-PERMEABLE MEMBRANES TO ASSIST IN CARTILAGE REPAIR, the specification of which is enclosed; that I have reviewed and understand the contents of the above-identified specification, including the claims; that I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; that the same was not in public use or on sale in the United States of America more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a); that I do not claim foreign priority benefits under Title 35, United States Code, §119, of any foreign application for patent or inventor's certificate; and that no foreign application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I claim the benefit under Title 35, United States Code,

§120, of a prior United States patent application, serial number 09/393,522, filed September 10, 1999, and provisional patent application serial number 60/127,905, filed April 6, 1999.

I further declare that all statements made of my own knowledge are true, and that all statements made on information and belief are believed to be true, and that I have been warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Patrick D. Kelly (Reg. # 30,650), 11939 Manchester #403, St. Louis, Missouri, 63131, as my attorney with full power of substitution and revocation, to prosecute this application and to transact all business connected therewith in the United States Patent and Trademark Office, and in any patent office of any foreign nation, state, or organization.

WHEREFORE, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

\_\_\_\_\_  
Date

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KEVIN A. MANSMANN, M.D.  
250 W. Lancaster Ave., Suite 310  
Paoli, PA 19301

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Docket KM-M1

Applicant: KEVIN A. MANSMANN  
Serial No.:  
Filed: April 6, 2000  
For: SEMI-PERMEABLE MEMBRANES TO ASSIST  
IN CARTILAGE REPAIR

**VERIFIED DECLARATION CLAIMING SMALL ENTITY STATUS:  
INDEPENDENT INVENTOR**

As patent attorney for the below-named inventor, I hereby declare that this applicant qualifies as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled SEMI-PERMEABLE MEMBRANES TO ASSIST IN CARTILAGE REPAIR, described in the specification filed herewith.

Applicant has not assigned, granted, conveyed or licensed and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

In behalf of myself and the inventor, I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR: KEVIN A. MANSMANN, M.D.

SIGNATURE OF PATENT ATTORNEY:   
NAME OF PATENT ATTORNEY: PATRICK D. KELLY